

DPHHS Policy Manual: Child Care Licensing Monitoring Activities

Introduction

MCA 52-2-733 (2) states *“the department may investigate and inspect the conditions and qualifications of any day-care center, group day-care home or family day-care home seeking or holding a license or registration certificate under the provisions of this part.”*

Section (3) states *“the department must visit and inspect at least 20% of all registered family day care homes and group day care homes in each of the governor’s planning regions annually.”*

Section (4) states *“the department shall make annual unannounced visits to day-care centers that are licensed on an annual basis.”*

MCA 52-2-732 states: “it shall be the duty of every applicant for a license or for registration and every licensee or registrant to give the right of entrance to and inspection of premises to representatives of the department at reasonable times, to keep and maintain such records as the department may prescribe, to permit inspection of these records, and to report to the department such facts as may be required on forms furnished by the department.”

It is the QAD-Licensure Bureau policy that inspections of all facilities—including the ones chosen as part of the 20% sample—to be done on an unannounced basis.

The following policy should ensure equal treatment of registrants on a statewide basis while continuing the policy of flexibility at the district level to allow for local variations as needed.

Inspection Types (definition and description)

Below are the definitions and description of the various inspection types conducted by the department:

New Facility Inspections

- Pre-Inspection (announced)
 - Conducted before a facility is issued a license or registration
 - Survey will focus on key health and safety areas
 - A Provisional license/registration will be issued for 3 months

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after Pre-Inspection is conducted

- Initial/New Inspection (unannounced)
 - Will be conducted after the Pre-Inspection once children are in care
 - Inspection will include full review of rules
 - Must be conducted within 90 days of the facility being approved
 - A Regular license/registration will be issued after the Initial/New Inspection has been completed and the facility has shown that they are compliant with the regulations

Annual Inspections

- Renewal Inspection (unannounced)
 - Conducted for facilities prior to renewing their license or registration
 - Will be conducted within 30 days of receiving a complete renewal packet and may occur up to 3 months prior to the expiration date as long as application has been submitted
 - Inspection will include a review of the regulations which will include key health and safety requirements

Other Inspection Types

- Complaint Investigation (unannounced)
 - Inspections for complaints
 - Focuses only on issues addressed during the complaint intake
- Follow-up Inspection
 - A subsequent inspection following a previous inspection or complaint investigation to verify that the deficient practice has been corrected
 - On-site Follow-up Inspections will be conducted any time there is a deficiency where the nature of the deficiency **significantly** affects or threatens the health or safety of a child in care. Examples of this include: incidents of elopement, injury of a child in care that resulted in a deficiency, and use of inappropriate discipline. Complaint inspections which resulted in a deficiency related to the complaint will also require an on-site Follow-up Inspection.
- Routine Inspection (unannounced)
 - Inspections performed at facilities that require inspections on a

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regular basis due to a history of non-compliance with the regulations

- Initial Inspection
 - A first-time inspection where the department is not able to complete a survey
 - Consultation (Provider wants you to come look over a few things prior to full registration, etc)
 - These inspections are entered in CCUBS not SansWrite

**Identifying need
for Inspection
(prioritizing)**

Each licensor is responsible for establishing their own survey schedule and shall submit quarterly progress report of the visits/inspections to the Program Manager and/or Bureau Chief. The reports shall be submitted via e-mail.

New Facilities

New child care facilities will be inspected prior to issuing a license or registration. Once a complete application has been submitted, the licensor will schedule Pre-inspection with the provider. The Pre-inspection must be completed within 30 days of receiving a complete application. If non-compliances are found during the licensing inspection, the licensing worker will issue a Statement of Deficiency. Once the Pre-Inspection has been completed, the licensing worker may issue a 3 month Provisional license or registration.

During the Provisional period, the licensing worker will complete the Initial/New Inspection. This inspection will be unannounced and will consist of a full review of the regulations. If non-compliances are found during the licensing inspection, the licensing worker will issue a Statement of Deficiency. The licensing worker may issue another 3 month Provisional license or registration if provider needs additional time to comply with the regulations.

Annual Inspections

All child care facilities will receive an annual inspection prior to renewing the license or registration. The licensor may conduct the inspection once a renewal application has been submitted. The Renewal Inspection must be conducted within 30 days of receiving a complete application. The Renewal Inspection will include review of regulations

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addressing key health and safety areas. Non-compliances found outside of the key health and safety areas may be cited if they are observed during the licensing inspection. If non-compliances are found during the licensing inspection, the licensing worker will issue a Statement of Deficiency.

**Other Inspection
Types**

On-site follow-up inspections will be conducted on complaint inspections which resulted in a deficiency related to the complaint. Follow-up Inspections will be conducted any time there is a deficiency where the nature of the deficiency significantly affects or threatens the health or safety of a child in care. Examples of this include: incidents of elopement, injury of a child in care that resulted in a deficiency, and use of inappropriate discipline. Other circumstances are at the discretion of the licensing worker after consultation of the Program Manager.

Routine inspections will be conducted at the discretion of the Program Manager.

Routine and Follow-up inspections are not required by statute or regulation. Although these inspections are an important aspect in the monitoring process, the department's approach to these inspections may need to be altered and possibly discontinued if fiscal constraints are imposed. In the event that this occurs, licensors will be e-mailed notifying them and delineating any additional expectations as a result of the directive.

**Complaint
Investigations**

Complaint inspections will be conducted in accordance with Policy Section CCL-009.

**SansWrite
& CCUBS**

Inspections are documented in the SansWrite Inspection System (software) and the result of the inspection is referenced within the Child Care Under the Big Sky System (CCUBS). Information gathered throughout the complaint process is entered into CCUBS under the Information/Complaints section. This information is entered according to the CCUBS User Manual Sections IV-B and IV-C.

Statement of

The Statement of Deficiency and Plan of Correction will be issued in

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Deficiency	accordance with Policy Section CCL-017.
Negative Licensing Action	If any violation places a child in imminent risk, harm or danger, negative licensing action, up to and possibly including revocation or suspension may be issued. These actions will be taken per Policy Sections CCL-010 and CCL-011.
Licensing worker to provider ratio	There are approximately 900 child care providers in Montana. The Child Care Licensing Program has 11.7 FTE for licensing workers. This works out to approximately 77 facilities per licensing worker. Each licensing worker is assigned a caseload based on the service area and the counties within that service area. The caseload may vary from area to area due to the number of providers in the area as well as the travel that is required. The Child Care Licensing Program will review the provider to licensure ratio on a quarterly basis to ensure that the ratio does not exceed 100 facilities per licensing worker. In order to assist areas with higher ratios, the Program Manager may utilize licensing workers in other service areas to conduct licensing inspections. Overall, the workload and completion of assigned duties will be assessed quarterly by the Program Manager and any concerns will be reported to the Licensure Bureau Chief.

Section 52-2-733, MCA and Section 52-2-732, MCA